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Administrative Director of the Courts

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Directive # 09-23
[Supersedes Directive #07-07]

**TO: Assignment Judges
Criminal Presiding Judges
Trial Court Administrators
Criminal Division Managers**

Questions or comments may be directed to the Criminal Practice Division at 609-815-2900 x55300

FROM: Glenn A. Grant, Administrative Director



**SUBJ: Post-Conviction Applications on Indictable Offenses - Form Order;
Statement of Reasons for Denial**

DATE: June 13, 2023

The substance of this Directive and the attached Order on Post-Conviction Applications on Indictable Offenses were originally promulgated in 2007 by Directive #07-07. They are being reissued for statewide use by this superseding directive. The form order (CN:11151) is uncharged and is to be used when the court either grants or denies post-conviction applications.

The Supreme Court Criminal Practice Committee, at the time of the prior directive, developed this uniform order to consolidate various items of relevance and to address Rules 2:5-3(d) and 3:22-6(c). Those Rules provide that the court may order the transcription of proceedings either without charge or at the expense of the county in criminal proceedings involving indigent defendants. The order is in part an attempt to reduce the public expense of the transcription of oral opinions on the denial of second or subsequent petitions for post-conviction relief and other post-conviction applications where there is no right to counsel. The order addresses whether the defendant is indigent through the assignment of counsel, whether the defendant had counsel at the hearing, if it was the first or subsequent petition for post-conviction relief or post-conviction application, whether the matter was decided on papers, or if there was a proceeding for which a transcript is needed. This order is to be prepared for every post-conviction application on an indictable offense.

In addition to completing the order, when a pro se or unrepresented litigant files a petition for post-conviction relief and the relief being sought is denied, the judge must provide written reasons. The written reasons for such denial shall be included in the court's order denying relief or attached to that order. This inclusion of documented reasons for the denial will save the public the cost of ordering transcripts to determine the trial court's reasons for its decision if there is an appeal from the order denying relief.

Any questions or comments regarding the form order may be directed to the Criminal Practice Division by phone at 609-815-2900 ext. 55300, or by email to AOC-CrimPrac.Mbx@njcourts.gov.

Attachment: Order on Post-Conviction Applications on Indictable Offenses (CN:11151)

cc: Chief Justice Stuart Rabner
Criminal Division Judges
Attorney General Matthew J. Platkin
Public Defender Joseph E. Krakora
Derek Nececkas, Interim Director, Division of Criminal Justice
County Prosecutors
Regional Deputy Public Defenders
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Admin. Director
Justin M. Patterson Moles, Chief, Criminal Practice Division
Assistant Criminal Division Managers



State of New Jersey

Superior Court of New Jersey

Law Division – Criminal

v.

_____ County

Indictment Number _____

Case/PROMIS Number _____

_____ Defendant

**Order on
Post Conviction Applications
on Indictable Offenses**

This matter being opened on the application of defendant, _____, by:

Petition for Post-Conviction Relief determined to be defendant's

first petition

second or subsequent petition

Motion for _____ and the defendant having been represented by:

_____ Assistant Deputy Public Defender

_____, Retained or Designated Counsel or

The court having concluded that there was no good cause entitling the assignment of counsel on the application, and the State having been represented by:

_____ Assistant Prosecutor; and

There having been proceedings conducted on the record on

_____, 20 or

The matter having been disposed of on the papers;

**It is on this _____ day of _____, 20 ORDERED that
defendant's application is hereby:**

Granted

Denied

Other _____

For the reasons:

- Expressed in the court's written opinion of _____
- Expressed orally on the record on _____

_____ Date s/ _____, J.S.C.

ORIGINAL:Office of the Public Defender

c: Judge _____
Criminal Division Manager's Office
Prosecutor's Office
Defendant